

S.275

Introduced by Senator Sears

Referred to Committee on Judiciary

Date: January 7, 2014

Subject: Human services; retention of jurisdiction over youthful offenders

Statement of purpose of bill as introduced: This bill proposes to extend the jurisdiction of the Court over youthful offenders from 22 years of age to 23 years of age consistent with 33 V.S.A. § 5204a.

An act relating to the Court's jurisdiction over youthful offenders

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 33 V.S.A. § 5104 is amended to read:~~

~~§ 5104. RETENTION OF JURISDICTION OVER YOUTHFUL
OFFENDERS~~

~~(a) The Family Division of the Superior Court may retain jurisdiction over a youthful offender up to the age of 22 23 years of age.~~

~~* * *~~

~~Sec. 2. 33 V.S.A. § 5286 is amended to read:~~

~~§ 5286. REVIEW PRIOR TO THE AGE OF 18 YEARS OF AGE~~

~~* * *~~

1 ~~(d) If the Court finds that it is in the best interest of the youth and~~
2 consistent with community safety to continue the case past ~~the age of 18 years~~
3 of age, it shall make an order continuing the Court's jurisdiction up to ~~the age~~
4 ~~of 22 23 years of age~~. The order shall specify whether the youth will be
5 supervised by the Department or the Department of Corrections. Irrespective
6 of which department is specified in the order, the Department and the
7 Department of Corrections shall ~~jointly~~ develop jointly a case plan for the
8 youth and coordinate services and share information to ensure compliance with
9 and completion of the juvenile disposition.

10 * * *

11 Sec. 3. 33 V.S.A. § 4904 is amended to read:

12 § 4904. FOSTER CARE; TRANSITIONAL YOUTH SERVICES

13 (a) As used in this section, "youth" means a person between 18 and ~~22~~ 23
14 years of age who either:

15 (1) attained his or her 18th birthday while in the custody of the
16 Commissioner for Children and Families; or

17 (2) while he or she was between 10 and 18 years of age, spent at least
18 five of those years in the custody of the Commissioner for Children
19 and Families.

20 (b)(1) The Department shall provide foster care services as described in

21 ~~subsection (c) of this section to:~~

1 ~~(A) any youth who elects to continue receiving such services after~~
2 ~~attaining the age of 18 years of age.~~

3 (B) any individual under the age of ~~22~~ 23 years of age who leaves
4 ~~state~~ State custody after the age of 16 years of age and at or before the age of
5 18 years of age or any youth provided he or she voluntarily requests additional
6 support services.

7 * * *

8 Sec. 4. EFFECTIVE DATE

9 ~~This act shall take effect on July 1, 2014.~~

~~Sec. 1. 33 V.S.A. § 5204a is amended to read:~~

~~§ 5204a. JURISDICTION OVER ADULT DEFENDANT FOR CRIME
COMMITTED WHEN DEFENDANT WAS UNDER AGE
18 YEARS OF AGE~~

~~* * *~~

~~(b)(1) The Family Division shall, except as provided in subdivision (2) of
this subsection, transfer a petition filed pursuant to subsection (a) of this
section to the Criminal Division if the Family Division finds that:~~

~~* * *~~

~~(2)(A) The Family Division may order that the defendant be treated as a
youthful offender consistent with the applicable provisions of subchapter 5 of
chapter 52 of this title if the defendant is under ~~23~~ 22 years of age and the
Family Division:~~

~~(i) makes the findings required by subdivisions (1)(A), (B), and
(C) of this subsection;~~

~~(ii) finds that the youth is amenable to treatment or rehabilitation
as a youthful offender; and~~

~~(iii) finds that there are sufficient services in the Family Division
system and the Department for Children and Families or the Department of
Corrections to meet the youth's treatment and rehabilitation needs.~~

~~(B) If the Family Division orders that the defendant be treated as a youthful offender, the Court shall approve a disposition case plan and impose conditions of probation on the defendant.~~

~~(C) If the Family Division finds after hearing that the defendant has violated the terms of his or her probation, the Family Division may:~~

~~(i) maintain the defendant's status as a youthful offender, with modified conditions of probation if the Court deems it appropriate; or~~

~~(ii) revoke the defendant's youthful offender status and transfer the petition to the Criminal Division pursuant to subdivision (1) of this subsection.~~

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Sec. 2. EFFECTIVE DATE

~~This act shall take effect on passage.~~

Sec. 1. YOUTHFUL OFFENDERS; LEGISLATIVE INTENT

The maximum age at which a person may be treated as a youthful offender varies under two different statutes under 33 V.S.A. chapters 51 and 52. A person may be treated as a youthful offender until the person reaches 22 years of age under 33 V.S.A. § 5104(a); however, in some circumstances, a person may be treated as a youthful offender until the person reaches 23 years of age under 33 V.S.A. § 5204a(b)(2)(A). This distinction is intentional.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.